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Testimony of Mark Dubois, Vice President  
CT Bar Association  
Chair, Pro Bono Committee

**In OPPOSITION to**

**HB 6692, AAC Participation In A Program Of Community Service  
For Persons Seeking Fee Waivers In Certain Civil Actions.**

Judiciary Committee  
April 15, 2013

The Connecticut Bar Association's Pro Bono Committee is opposed to HB 6692, "An Act Concerning Participation In A Program Of Community Service For Persons Seeking Fee Waivers In Certain Civil Actions". The Committee believes that this ill-considered legislation is not needed, is duplicative of the authority already residing in judges of the superior court regarding granting of fee waivers, and would create barriers to access to justice for people of limited or no means.

The bill apparently is in reaction to abusive practices from a few "serial filers" who file numerous lawsuits using fee waivers. But its broad language has the potential to work a large injustice to many who legitimately need access to courts without being required to pay entry fees.

The bill would require a judge, when considering a fee waiver, to evaluate the bona fides of the claim and whether community service is appropriate. This would add a huge layer of complexity to the fee waiver process as it already exists. Once a judge makes the determination, the person may have to provide fee work for a non-profit or community agency.

How poor people will find an agency willing to employ them, obtain transportation to the work site, and prove that they have complied is not addressed in the legislation. Also not addressed is the potential record-keeping burden which the bill would place on non-profits who accept services.

Enforcing the new "gate keeping" function has the potential to require two hearings, one on whether community service is needed and another on whether the filer has complied. If the filing is needed because of exigent circumstances, such as relief from abuse, the applicant may have to wait weeks to obtain the waiver. Under the present regime, an affidavit of indigency is enough.

A few rotten apples should not be allowed to upset a system that has worked well for many years and which grants an important right-equal access to justice, to those of us who can least afford the cost of being without it.